



Express Mail No. **EV335857928US**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Dean A. Falb et al. Confirmation No.: Not Yet Assigned  
Serial No.: 08/799,910 Art Unit: 1633  
Filed: February 13, 1997 Examiner: WANG  
For: COMPOSITIONS AND METHODS FOR THE TREATMENT AND DIAGNOSIS OF CARDIVASCULAR DISEASE USING FCHD605 AS A TARGET Attorney Docket No: 7853-067

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**COMMUNICATION**

**TECH CENTER 1600/2900**

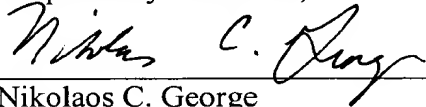
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to our telephone conversation today, please find enclosed a copy of the documents as originally filed on August 9, 2001 in connection with the above-identified patent application. Also enclosed is a copy of a return postcard stamped by the U.S. Patent and Trademark Office verifying receipt of the original documents on August 9, 2001.

Respectfully submitted,

Date: December 2, 2003

  
Nikolaos C. George 39,201  
(Reg. No.)  
**PENNIE & EDMONDS** LLP  
1155 Avenue of the Americas  
New York, New York 10036-2711  
(212) 790-9090



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Express Mail No. HAND CARRY First Class Mail ( )  
Date Mailed August 9, 2001  
Ser. No. 08/799,910 Filed February 13, 1997  
Inventor/Mark Dean A. FALB  
For COMPOSITIONS AND METHODS FOR THE TREATMENT AND DIAGNOSIS OF  
CARDIOVASCULAR DISEASE USING FCHD605 AS A TARGET (AS AMENDED)

- ☐ Declaration/Affidavit
- ☒ Preliminary Amendment w/Exh. A
- ☐ Provisional Application \_ pages
- ☐ Claims \_ Drawings
- ☐ Appeal, Notice of
- ☐ Assignment
- ☐ Brief (in triplicate)
- ☐ Declaration & Power of Attorney
- ☐ Design Application
- ☐ Disclaimer
- ☐ Disclosure Statement
- ☐ w/refs. (1 ref) ☐ w/o refs.
- ☐ Drawings, Formal
- ☐ Sheets \_ Figures

- ☐ Fee Address Indication form
- ☐ Fee Calculation
- ☒ CPA Request Transmittal (in duplicate)
- ☐ Letter
- ☐ Oral Hearing Req./Confirm.
- ☒ Petition to Extend Time (in duplicate)
- ☐ Pet. under 37 C.F.R. \_\_\_\_\_
- ☐ Power of Attorney
- ☐ Associate ☐ w/Revocation
- ☐ Sequence Listing w/Computer
- ☐ Readable and Paper Copies
- ☐ Small Entity Statement
- ☐ Status Letter
- ☐ Transmittal Letter
- ☒ Fee by Deposit Account 16-11

Other:

File No. 7853-067-999 Sender LAC/SYS/MLM

DCI - 265317.1

Express Mail No. HAND CARRY First Class Mail ( )  
Date Mailed August 9, 2001  
Ser. No. 08/799,910 Filed February 13, 1997  
Inventor/Mark Dean A. FALB  
For COMPOSITIONS AND METHODS FOR THE TREATMENT AND DIAGNOSIS OF  
CARDIOVASCULAR DISEASE USING FCHD605 AS A TARGET (AS AMENDED)

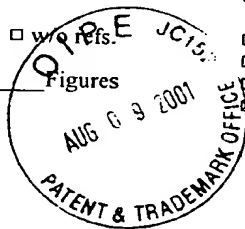
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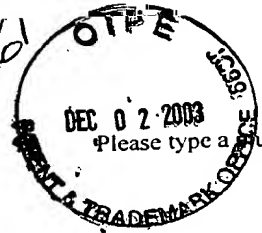
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12-03-03

CPA/1633

PTO/SB/29 (12/97)

Approved for use through 09/30/00. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:  
☒ **DUPLICATE**

Address to:

Assistant Commissioner for Patents - CPA  
Washington, DC 20231

Attorney Docket No.	7853-067-999
First Named Inventor	Dean A. Falb
Express Mail Label No.	
Total Pages	2

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53 (d), (continued prosecution application (CPA)) of prior application number 08/799,910, filed on February 13, 1997, entitled COMPOSITIONS AND METHODS FOR THE TREATMENT AND DIAGNOSIS OF CARDIOVASCULAR DISEASE USING FCHD605 AS A TARGET (AS AMENDED)

## NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b) or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request. 37 CFR 1.78(a).

- ☐ Enter the unentered amendment previously filed on \_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application.
- ☒ A preliminary amendment is enclosed.
- ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53 (d)(4).
  - ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:
    - The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- ☐ Information Disclosure Statement (IDS) is enclosed:
  - ☐ PTO-1449
  - ☐ Copies of IDS Citations

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Please type a plus (+) inside this box - ☐

PTO/SB/29 (12/97)  
Approved for use through 09/30/00. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c))	39 — 20 =	19	\$ 18	= ... \$ 342.00
	INDEPENDENT CLAIMS (37 CFR 1.16(b))	2 — 3 =	0	\$ 80	= \$ 0.00
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			\$270	270.00
	0			BASIC FEE (37 CFR 1.16(a))	710.00
			Total of above Calculations =		1322.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28).				-
	TOTAL=				\$ 1322.00

6. Small entity status:

- a. ☐ A small entity statement is enclosed.  
b. ☐ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.  
c. ☐ Is no longer claimed

7. ☒ A petition for extension of time is enclosed.

8. The Commissioner is hereby authorized to credit overpayments or charge fees to Deposit Account No. 16-1150:

- a. ☒ Fees required under 37 CFR 1.16.  
b. ☒ Fees required under 37 CFR 1.17.  
c. ☒ Fees required under 37 CFR 1.18.  
d. ☒ Fees required under 37 CFR 1.136.

9. ☐ A check in the amount of \$\_\_ is enclosed.

10. ☐ Other: .....

**NOTE:**

**The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.**

**10. NEW CORRESPONDENCE ADDRESS**

☐ Customer Number or Bar Code Label



(Insert Customer No. or Attach bar code label here)

or ☐ New correspondence address below

NAME

ADDRESS

CITY

STATE

ZIP CODE

COUNTRY

TELEPHONE

FAX

**11. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

**PENNIE & EDMONDS LLP**

NAME

Serge Sira  
For: Laura A. Coruzzi (Reg. No. 30,742)

REG. NO. 39,445

SIGNATURE

DATE

August 9, 2001